

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

Dakotans for Health, Rick Weiland,	)	
and Adam Weiland,	)	
	)	
Plaintiffs,	)	Civ. 23-5042
	)	
v.	)	
	)	
Bob Ewing, Brandon Flanagan, Randy	)	
Deibert, Richard Sleep, and Eric	)	
Jennings, Lawrence County	)	
Commissioners, all sued in their	)	
official capacities,	)	
	)	
Defendants.	)	
_____	)	

**Memorandum in Support of  
Plaintiffs' Motion to Dismiss All Issues  
Without Prejudice—Except Attorney Fees and Costs—as Moot**

A moot case must be dismissed because it is no longer a case or controversy. *Iron Arrow Honor Society v. Heckler*, 464 U.S. 67, 70 (1983). Everything in this case, except whether plaintiffs are entitled to attorney fees and costs, is moot. A dismissal as moot is not on the merits and accordingly is without prejudice. *Malkowski v. Gonzalez*, 2009 U.S. Dist. Lexis 46465 \* 3-4, 2009 WL 1578816 (E. D. Mo.).

Dated: November 3, 2023

Respectfully submitted,

/s/ James D. Leach

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Certificate of Service

I certify that on November 3, 2023, I filed this document electronically, causing it to be automatically served on defendants.

/s/ James D. Leach

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